

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

June 23, 2005

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, June 23, 2005, at 1:30 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Morris K. Dunlap, Chair; Harold Warner Jr. Vice-Chair; James Barfield; Darrell Downing; Bill Johnson; Bob Aldrich; Elizabeth Bishop; M.S. Mitchell; Frank Garofalo; Denise Sherman and Hoyt Hillman. Gary K. Gibbs; John W. McKay Jr.; Bud Hentzen and Ronald Marnell were not present. Staff members present were: John L. Schlegel, Secretary; Dale Miller, Current Plans Manager; Donna Goltry, Principal Planner; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Jess McNeely, Associate Planner; David Barber, Advanced Plans Manager; and Rose Simmering, Recording Secretary.

1. Approval of May 26, 2005 meeting minutes.

MOTION: To approve the May 26, 2005 meeting minutes.

WARNER moved, **BISHOP** seconded the motion, and it carried 10-0.

2. Update on Airport Master Plans – Tom Nolan, Interim Director of Airports, and John Oswald, Director of Engineering and Planning.

TOM NOLAN, INTERIM DIRECTOR OF AIRPORTS We are here today to bring you up to speed on what is happening at the airport, and I would like to take a few minutes to do that. The most talked about issue of recent and will be continuing for several years is the new airport terminal. We just celebrated a 50-year anniversary at the airport, and a study was conducted to tell us that our old terminal is functionally obsolete. These will take a good amount of time over the next several years.

DUNLAP How is the new terminal funded?

NOLAN The idea is that the airport is self-sustaining, and we intend to fund this terminal building solely within our limits. We will be seeking every federal dollar available.

ALDRICH What percentage are you going after federal dollars as compared to what percentage will be based on local taxpayers?

NOLAN Those percentages are yet to be worked out.

BARFIELD I can't envision a new terminal without additional landing slots. With the additional landing slots what method would your pursue to recruit new or additional air services to Wichita?

NOLAN What do you mean by landing slots?

BARFIELD Generally when you have an airport you have so many slots for the planes, to me I can't envision building a new terminal without increasing your number of landing slots.

NOLAN There are only three airports in the country that have control over their landing slots, and we are not one of them. In fact, at our airport we invite all the traffic that can come, and we are probably operating at only a 1/2 or a little over our capacity. So air space and slots are not an issue. We are building a terminal building to meet the current demand from a passenger standpoint, and what we think will address the future demand of the airport. We are also building the terminal in a configuration that will allow us to expand very easily. It is all part of that effort that you referred to about potential recruitment or hanging onto what we have right now.

BARFIELD When you have a decrease in the available flights, and you say to yourself that you are operating at 1/2 capacity somewhere, if you want to retain or create any type of growth, you will have to market some. I see that there is some void in services to the east.

NOLAN When I talk about capacity, I am talking about air field capacity. The capacity of the existing terminal is beyond its potential. Go out there in the morning when there are all of these passengers going out or coming in on flights, it is functionally obsolete. As far as the usage of the passenger traffic in years to come, you will see peaks and valleys, and that is just the nature of this crazy business right now. We will be constructing a terminal that we can afford to build, will meet the current demands, and what we think are the future demands 5-10 years down the road. We will have ample space to have growth and that is very important.

DUNLAP Where will the terminal be in relation to the current terminal?

NOLAN You can see on this power point, it will be within feet of the existing terminal, and we will build it and then turnkey it in some amount of time here, and just move the passengers over. We will be hiring an architect to help design the terminal and a new cargo building right next to our apron here. We have already built the parking lot so we will put the building there, and that will open the site up.

ALDRICH Are there any plans for additional runways?

NOLAN Our airfield capacity, we are doing pretty good. The only thing our master plan told us of recent was maybe in years to come, if we can afford it, it might make sense to extend this a little bit. The reason being is the utilization, the aircraft mix, and a little

longer runway in the real hot humid days; that is called the density-altitude factor, and seems to make sense. It is fully operation right now but it might help a little bit. We do have a three runway systems. This is our primary runway of 10,300 feet; our secondary is 7,300 and 6,300 this one. This is probably used less then 2% of the time just because of its configuration and the prevailing winds.

We are also here today to speak about any future land acquisition. If that was the case, in all honesty in the last several years there really hasn't been an overly aggressive posture on behalf of the airport to purchase land. We buy land at airports to protect the air space and the infrastructure we currently have. For example, this runway end here the FAA mandates there be a runway protection zone. We have safety areas near taxiways and other infrastructure that needs to be protected with land that is capable of accessing the landing strips and the airfield. Airports are looked at as job development, and economic development initiatives. So if there is a need of an existing tenant to expand and needs space or a new tenant that we are courting, and want to bring jobs to the Wichita community we will look at additional land acquisition. Airports are unique in their nature, and there are certain land uses that are deemed more compatible than others.

JOHN OSWALD, DIRECTOR OF ENGINEERING AND PLANNING Looking through this master plan which was just updated a few months ago, and looking at our document from 1990, our land acquisition interests have not changed much. The consultant has identified four areas as opportunity purchases. There is a parcel of land just south of K-42 and Ridge Road, and that is the protection of the end of the runway. Another parcel has a driveway connecting to K-42. The third parcel, the consultant has identified some parcels just north of the post office in a commercial housing area. The fourth parcel is some existing commercial, if we ever pursued that it would be to expand future general aviation facility.

Jabarra airport is about half the age of Mid-Continent, and it is not as well developed on the airfield, nor is the development surrounding the airport like Mid-Continent. The first parcel of land bought for this airport under its current ownership, and some of you may know that this parcel has been a certain type of airfield for decades. In August 1990 was the first land transaction with respect to this airfield. Not much has changed, and nothing has developed in the east side of the airfield. The only piece of land shown for the 20-year plan is a parcel here, and that land acquisition has already occurred to protect the end of the runway.

JOHNSON There is a master plan that is available, and can be shared with the full Planning Commission?

OSWALD The Planning Department has a couple of the master plans in their office.

JOHNSON I knew the airport was doing a master plan but I don't ever remember it being reviewed by the MAPC.

OSWALD We brought executive summaries to distribute today.

JOHNSON Can you show with your pointer of what property the airport or the City of Wichita owns now around Mid-Continent.

OSWALD It is an irregular shape. (Points on the PowerPoint)

JOHNSON How much land will be available for future aircraft tenants?

OSWALD Approximately 700 acres.

JOHNSON The parcel that is just west of the new Tyler that goes to Maize, is that owned by the City of Wichita, the airport or by a private owner?

OSWALD The airport interest stops at the 1/2-mile line. I don't know who owns it.

JOHNSON My understanding was that there was someone who wanted to acquire 30 acres, and they had looked at that and that was not available because that is left for airport use.

OSWALD I am here today to speak on behalf of the airport.

ALDRICH As far as the airport entitlement up around the golf course area, you are saying that 1/2 to 3/4 deep, and the rest of that is Pawnee Prairie Park?

OSWALD I think so.

BISHOP There was mention of land uses in the area that need to be compatible, can either or both of you expand on that?

NOLAN Industry wide residential typically is not compatible with airports.

BISHOP Can you indicate that in terms of area, how close?

NOLAN Presently there are houses right in the middle of airports, Chicago, and Denver have homes nearby. Low density uses such as golf courses, farming.

DUNLAP Several years ago the Airport Authority changed and that authority vanished, and your direct line of responsibility is the City Manager?

NOLAN Correct.

DUNLAP What authority do you have? Do you have the authority of all zoning within your boundaries? Or does that come back to the MAPC for any action at all?

NOLAN I am not sure.

OSWALD Not all the land within airport boundary is Limited Industrial but almost all of the land is, and there hasn't been much with respect to zoning in a long time. We platted several small parcels.

DUNLAP There was a mention about what is going to happen with Jabarra airport. Is it to be considered the general aviation reliever if we need that kind of term here, and if so what kind of additional runway capability will be applied out there? What about the multiple altitude patterns on the east side of town?

NOLAN The airport is where it is, and in retrospect putting airports that close together may not have been the best but there are a lot of dynamics in that.

DUNLAP We have closed a couple so it is a little better than it was.

NOLAN Closing airports is not good business either. The runway length, we do not have any plans to change that. We did add an ILS thanks to a federal government last minute appropriation. If we expand it will be on the east side, if people want to add hangers. It is not an air traffic controlled airport.

DUNLAP What is your relationship with the Federal Aviation Administration? Do they exercise absolute control about operations in the air and on the ground at your facility?

NOLAN If there is an example of a very close marriage it is between us, the TSA, and the FAA, together we survive. We own and operate the airport, and it is our duty to take full responsibility for everything on the ground, and that jurisdiction changes the minute the pilot begins to call in on the movement area for taxi of the aircraft, and even then the liability is still on us if he hits a bump, or a deer runs out in front of the aircraft, or if he has a fire. Once he leaves ground and is in the air it is a different story. The federal government does carry the money.

MITCHELL What is the source of the federal funds that you keep referring to?

NOLAN Each time you buy a ticket on the airline a certain percentage, about 8 percent, goes into the Airport Improvement Program (AIP). There is entitlement and then discretionary, and that is why we have to wait and see what percentages we think we can get in this terminal building because it is a real tricky formal, and we have to make sure the way that we design the building will determine some of its eligibility for entitlement, and some may be discretionary. It is a real tight road there, but we will get as much of that federal money that we can. But it is through users, those that fly and cargo and everyone that uses the aviation system will pay for it.

ALDRICH Is there any competition as far as for funds between McConnell and the Wichita Airport?

NOLAN No, it is a completely different funding. The military is funded out of the defense department. However the President is cutting back.

DUNLAP What can we do to help you?

NOLAN Let's keep communications open.

❖ **SUBDIVISION ITEMS**

3. Consideration of Subdivision Committee recommendations from the meeting of June 16, 2005.

3-1. **SUB 2005-64: Final Portion of Overall Preliminary Plat – TYLER'S LANDING THIRD ADDITION**, located south of 37th Street North and East of Tyler.

NOTE: This final plat consists of the north portion of the overall preliminary plat approved for the site and represents the third phase of development. The street layout is consistent with the preliminary plat and serves three additional lots.

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved.**
- D. **County Public Works** requests annexation of 37th St. North.
- E. The Applicant shall guarantee the paving of the proposed streets. The guarantee shall also provide for sidewalks on at least one side of all through, non cul-de-sac streets.
- G. For Lot 1, Block A, which is adjacent to the railroad tracks, **Traffic Engineering** has requested complete access control along

the east 100 feet of the lot.

- F. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- G. For those reserves being platted for drainage purposes, the required covenant, which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- H. The applicant shall submit a covenant, which provides for four (4) off-street parking spaces per dwelling unit on each lot, which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- I. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- J. **GIS** needs to comment on the plat's street names. **Revised street names are needed.**
- K. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- L. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- M. The applicant shall install or guarantee the installation of all utilities and facilities, which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- N. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- O. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- P. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Q. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- R. Perimeter closure computations shall be submitted with the final plat tracing.
- S. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- T. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. **Westar Energy has requested additional easements.**
- U. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve subject to staff recommendation.

MITCHELL moved, **ALDRICH** seconded, and it carried (10-0).

3-2. SUB2005-62: One-Step Final Plat – THE TIMBERLANDS ADDITION, located north of Harry and west of 127th Street East.

NOTE: This is an unplatted site located within the City.

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted. The sewer lateral for the house on Lot 2, Block 2 needs to be relocated from Timberlands. Since the west side of lots 3, 4 & 5, Block 2 are served by sanitary sewer, a short sewer main extension will be needed for the existing house on lot 2 to keep the lateral from being located under pavement.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City/County Engineering** needs to comment on the status of the applicant's drainage plan. **County Engineering has received a drainage plan. The drainage easement should be shown as floodway reserve and referenced in platlor's text. A detailed flood study is needed to comply with FEMA. Floodway boundaries need to be adjusted to reflect flood study elevations.**

The drainage plan must be approved by County Engineering prior to MAPC.
- D. **County/Traffic Engineering** needs to comment on the access controls. The plat denotes two openings along 127th St. East in addition to a street opening. **County/Traffic Engineering have approved one opening along 127th St. East for Lot 1, Block 2.**
- E. Although the plat denotes a 60-ft street dedication along 127th St. E, the Applicant requests a 50-ft right-of-way. The Access Management Regulations requires a 60-ft half-street right-of-way width along urban arterials.

The Subdivision Committee has required a 60-ft right-of-way along 127th St. E.
- F. The County has required annexation of all of 127th St. East to City of Wichita.
- G. **County Surveying** advises that the "Common Cor., Woodland Lakes Estates Third Addition/ Woodland Lakes Estates Fourth Addition" is actually 3 feet South of where arrow points.
- H. The final plat tracing needs to denote right-of-way lines of 70 feet to the West.
- I. The Applicant shall guarantee the paving of the proposed streets. The guarantee shall also provide for sidewalks on at least one side of all through, non cul-de-sac streets.
- J. The Applicant has platted a 20-ft building setback along Lots 8-10, Block 2 which represents an adjustment of the Zoning Code standard of 25 feet for the SF-5, Single-Family District. The Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission.
- K. The Applicant is advised that if platted, the building setbacks along 127th St. East must be 85 feet from the centerline of the street to conform with the Zoning setback standard for County section line roads.
- L. The building setback along the South line of Lot 2, Block 2 needs corrected
- M. **GIS** needs to comment on the plat's street names. **Timberlands and Timberlands Ct needs revised to Zimmerly and Zimmerly Ct.**
- N. Approval of this plat will require a waiver of the lot depth to width ratio of the Subdivision Regulations for Lot 7, Block 2. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width.
- O. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- P. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- Q. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- R. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- S. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- T. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- U. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre

or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

- V. Perimeter closure computations shall be submitted with the final plat tracing.
- W. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- X. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Y. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

SCHLEGEL The applicant is requesting that the case be deferred for 3 weeks.

MOTION: To defer application for 3 weeks.

DUNLAP moved, **WARNER** seconded, and it carried (10-0).

❖ **PUBLIC HEARINGS – VACATION ITEM**

4-1. VAC 2005-23: Request to Vacate a Utility Easement (dedicated by separate instrument).

<u>OWNER/APPLICANT:</u>	Brown Family Real Estate LLC c/o Janet M. Keefer
<u>AGENT:</u>	MKEC Engineering Consultants, Inc., c/o Greg Allison
<u>LEGAL DESCRIPTION:</u>	All of the 20-foot utility easement, as dedicated by separate instrument, Film 2143, Page 1411, on Lot 8, Block 1, the Regency Park Addition, Wichita, Sedgwick County, Kansas.
<u>LOCATION:</u>	Generally located west of Greenwich Road and north of State Highway K-96, northwest of the 26 th Street North – Regency Park Street intersection.
<u>REASON FOR REQUEST:</u>	Propose to convert existing sanitary sewer line into a private sanitary sewer line
<u>CURRENT ZONING:</u>	Subject property and all abutting and adjacent properties are zoned “LI” Limited Industrial.

The applicant is requesting consideration for the vacation of a 20-foot utility easement dedicated by separate instrument as described. There is a sewer line and manhole in the easement the applicant wants to vacate. The Regency Park 3rd Addition abuts the west side of the site and is going to the WCC June 14, 2005 for final action, SUB 2005-41. This plat could help address issues with Public Works/Water & Sewer prior to the vacation request being completed. There are no water lines in the easement. There are no other utilities located in the easement. The Regency Park Addition was recorded with the Register of Deeds February 29, 2000.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works/Water & Sewer, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the utility easement dedicated by separate instrument as described in the legal description with the following conditions.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
 - 1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time June 2, 2005, which was at least 20 days prior to this public hearing.
 - 2. That no private rights will be injured or endangered by the vacation of the above-described portion of the utility easement dedicated by separate instrument and the public will suffer no loss or inconvenience thereby.
 - 3. In justice to the petitioner, the prayer of the petition ought to be granted.
- B. Therefore, the vacation of the portion of the utility easement dedicated by separate instrument described in the petition should be approved with conditions;
 - (1) Vacate only that portion of the easement dedicated by separate instrument as described in the legal description.
 - (2) Provide the City Water & Sewer Department with all needed documentation verifying that the public sanitary sewer line is now a private sanitary sewer line. Retain the easement until City Water & Sewer has accepted the

sanitary sewer line as a private line. Have Water & Sewer contact planning when they have accepted the sanitary sewer line as a private line.

- (3) Provide a restrictive covenant binding the newly configured lots together that will be served by the private line.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (5) If needed provide the public and franchised utilities with all required replacement easements. Retain the easement dedicated by separate instrument until all utilities in the easement have been relocated/abandoned and approved by the public and franchised utilities
- (6) All improvements shall be according to City Standards, including provisions of sewer line to all abutting and adjoining properties as approved by Public Works. If necessary provide Planning Staff with confirmation from Public Works that the project is completed to their satisfaction, including any revisions needed in the Regency Park 3rd Addition.
- (7) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate only that portion of the easement dedicated by separate instrument as described in the legal description.
- (2) Provide the City Water & Sewer Department with all needed documentation verifying that the public sanitary sewer line is now a private sanitary sewer line. Retain the easement until City Water & Sewer has accepted the sanitary sewer line as a private line. Have Water & Sewer contact planning when they have accepted the sanitary sewer line as a private line.
- (3) Provide a restrictive covenant binding the newly configured lots together that will be served by the private line
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant. If needed provide the public and franchised utilities with all required replacement easements.
- (5) Retain the easement dedicated by separate instrument until all utilities in the easement have been relocated/abandoned and approved by the public and franchised utilities.
- (6) All improvements shall be according to City Standards including provisions of sewer line to all abutting and adjoining properties as approved by Public Works. If necessary provide Planning Staff with confirmation from Public Works that the project is completed to their satisfaction, including any revisions needed in the Regency Park 3rd Addition.
- (7) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

MOTION: To approve subject to staff recommendations.

WARNER moved, **MITCHELL** seconded, and it carried (9-0-1). (**JOHNSON** abstains)

❖ **PUBLIC HEARINGS – ZONING ITEMS**

5. **Case No.: ZON2005-16** – Evelyn Nicholson (applicant); Baughman Company, PA, c/o Terry Smythe (agent) Request **Revised Request** Sedgwick County Zone change from "RR" Rural Residential to "LC" Limited Commercial and "OW" Office Warehouse on property described as;

The East Half of the Southeast Quarter of Section 16, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas except the North 70 acres thereof and except parts taken for road on the East and the South. Generally located North of 53rd Street North and west of Ridge Road MAPC deferred May 12, 2005.

BACKGROUND: The applicant requests "LI" Limited Industrial zoning on an 8.1-acre unplatted site, currently zoned "RR" Rural Residential, for speculative future industrial use. The application area is north of 53rd Street North and west of Ridge Road, and is developed with a single-family residence. This request for LI zoning would create a non-conforming use of the existing residence, as residential uses are not permitted in LI zoning. The site is within the Maize Area of Influence; therefore this request will go before the Maize Planning Commission.

North of the application area is an RR zoned large lot used for a single-family house (approximately 100 feet north of the application area) along with a large pond. The site had Conditional Use CU343 for sand extraction, which was granted in 1991, and expired in 1996. South of the application area, across 53rd Street North are RR zoned single-family residences and a farmstead. East of the application area is an RR zoned farmstead at the northeast corner of Ridge and 53rd North, LC zoned vacant land southeast of the corner, and SF-20 zoned single-family residences surrounding the LC corner. Immediately west of the application area is an LC zoned vehicle repair shop, rezoned in 2004 with a Protective Overlay that limits uses to those in the GO zone and limited vehicle repair, requires hazardous spill protection, and requires screening. Further west and northwest of the site are LI and GO zoned properties with a City of Maize Transportation facility, and an engineering industrial use.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH: "RR"	Single-family residential
SOUTH: "RR"	Single-family residential, farmstead
EAST: "RR", "LC", "SF-20"	Single-family residential, farmstead, vacant
WEST: "LC"	Vehicle repair, transportation facility, engineering industrial use

PUBLIC SERVICES: Both Ridge Road and 53rd Street North are paved arterials at this location; both have a 60-foot half-width right of way (ROW) at the site that tapers to 75 feet at the intersection. Current traffic counts on this portion of 53rd Street North are 3,203 vehicles per day, and 3,906 on this portion of Ridge. The 2030 Transportation Plan designates that both of these streets remain two-lane arterials, and no future projects are planned for this area.

Municipal water and sanitary sewer service are not available to the site; therefore, on-site water and sanitary sewer service would need to be provided. The property is located within the Equus Beds Groundwater Management District in area where ground water is likely to be within 10 feet of the ground surface.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide, as amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "rural" development, and not within the 2030 Urban Service Area. Rural areas consist of land outside the 30 year Wichita urban service area and small city growth areas. The Rural category is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses, and large lot residential subdivisions with provisions for future water and sewer services.

The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial sites be located in close proximity to support services and be provided good access to major arterials, city truck routes, belt highways, utility trunk lines, rail spurs, airports and as extensions of existing uses. The locational guidelines go on to recommend that industrial uses should be generally located away from existing or planned residential areas, and sited so as not to generate industrial traffic through less intensive land use areas.

The Goals, Objectives, and Strategies of the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan also provide guidance regarding land use. The Land Use-Industrial section contains a strategy (IV.A2) that states, "in those portions of rural unincorporated Sedgwick County outside the projected urban growth area, allow industrial development only when it is agriculturally oriented, dependent upon a natural resource, or, as part of an appropriate expansion of an existing industrial area." The requested zone change for unspecified industrial development is not consistent with the Land Use Guide or the Goals, Objectives, and Strategies of the Comprehensive Plan. The Amended Comprehensive Development Plan 1980-2000 for the City of Maize does not address the subject property. The City of Maize currently is making major revisions to its comprehensive plan, and those revisions may address the subject property in the future.

The Unified Zoning Code (UZY) would require a 25-foot compatibility setback between non-residential and residential development, and would require screening between non-residential and residential development. The Sedgwick County Access Management Policy would limit the number of access points and their spacing along 53rd Street North and Ridge. And, the County Sign Code would limit signage for development at this site.

RECOMMENDATION: The proposed change is in not in conformance with the MAPC Comprehensive Plan and the area is not included in the adopted Maize Comprehensive Plan. The proposed zone change would create a non-conforming use of the existing single-family home. The unspecified future industrial use proposed for this site could be incompatible with the existing single-family home 100 feet north of this site. The lack of public infrastructure at the site is problematic for industrial development. Also, the lack of public water and sewer to this site are of particular concern because of the site location within the Equus Beds Groundwater Management District. An unspecified industrial use at this location could involve hazardous materials, and any size of potential spill into the groundwater could result in contamination.

The LC zoning west of the site was approved in 2004, and rectified an unpermitted use. This LC zoning is under a restrictive protective overlay. The LI zoning also to the west houses primarily storage uses, and was permitted with GO zoning fronting 53rd Street North. This industrial zoning was approved in 1984 to rectify an existing non-conforming use at that time.

As an arterial intersection site, this property could be appropriate for future non-residential use. The Comprehensive Plan states that commercial uses in rural areas should be agriculturally oriented or provide necessary convenience services to residents in the immediate area. Any future use of this site will require consideration of utilities and contamination protection for the Equus Beds. Because this request is speculative for industrial use, staff does not find it feasible to recommend a protective overlay, which would need to be tailored to a specific use.

Based on these factors, plus the information available prior to the public hearing, staff recommends the request be **DENIED.**

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: This proposal is not consistent in terms of zoning, uses, or character with large lot suburban residential development to the north, south and east. Most surrounding land is zoned "RR" Rural Residential and is used for agriculture or large lot residential uses. The area abutting to the west is zoned "LI" Limited Industrial and "LC" Limited Commercial, and is used for an office and the Maize school bus storage facility, and a limited vehicle repair shop with a protective overlay.
2. The suitability of the subject property for the uses to which it has been restricted: The property has been developed with a single-family use as currently zoned. The site is suitable for Rural Residential use, as it is currently zoned. The requested LI zoning would create a non-conforming use of the existing home, as residences are not permitted in industrial zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: LI zoning at this location could allow uses which would be incompatible with the single-family home 100 feet north of the site, and would be incompatible with the residences south and east of the site, across 53rd North and Ridge. Negative effects on these residences from uses permitted in the LI zone could include large truck traffic, manufacturing noise, odors, vibrations, industrial buildings, outdoor storage, and dust. Uses in the LI zone could be significantly more intense than the existing bus storage and limited vehicle repair to the west of this site. Any possible contamination of groundwater at this location would be dangerous and damaging to all surrounding landowners, and the greater community.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "Wichita Land Use Guide, as amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "rural" development, and not within the 2030 Urban Service Area, which is not in conformance with requested zoning. The Industrial Locational Guidelines of the Comprehensive Plan recommend access to support services, and separation from residential use, which this site does not have. Likewise, the request is not in conformance with the strategy guidelines of the Comprehensive Plan. The City of Maize Comprehensive Plan does not address this site.
5. Impact of the proposed development on community facilities: The requested zone change would introduce an unknown industrial land use to an area lacking appropriate community facilities. Fire and crime protection services cannot be adequately provided to an industrial use at this remote location. On-site water and sanitary sewer service for an industrial use at this location would lead to a significant potential for groundwater pollution as the site is located within the Equus Beds Groundwater Management District, in a area where ground water is likely to be within 10 feet of the ground surface.

ADDITIONAL BACKGROUND:

1. Staff has met with the agent for the applicant on this case at the request of MAPC. The applicant's original request was for "LI" Limited Industrial zoning. The applicant has now modified their request ask for "LC" Limited Commercial zoning on the east 800 feet of the site, and "OW" Office Warehouse zoning on the west approximately 450 feet of the site. The modified request is for a less intensive zoning district, according to the Unified Zoning Code, and therefore this request does not require re-advertising in the official paper.
2. This modified request places the existing residence on the site within LC zoning; residential use is a permitted use within LC zoning. The requested OW zoning is the lowest level of "industrial" zoning, according to the Unified Zoning Code, and would permit the industrial uses of limited manufacturing, research services, outdoor storage, and warehousing.
3. The Locational Guidelines of the Comprehensive Plan, for both industrial and commercial development, state that appropriate support infrastructure should exist at the site. This includes both roadway and utilities. As stated in the original staff report, water and sewer does not exist at the site, and neither Wichita nor Maize has plans to reach this site with utilities.
4. As stated in the original staff report, this site is not within the Wichita 2030 growth area, or within the Maize Comprehensive Plan growth area. The strategies of the comprehensive plan clearly state that industrial and commercial development in the "rural unincorporated Sedgwick County outside the projected urban growth area" should be limited to development that is agriculturally oriented, dependent upon a natural resource, or providing necessary convenience to residents in the immediate area. The applicant indicates a desire to market to the needs of surrounding sand extraction operations, and/or surrounding agricultural or residential retail needs. As a speculative request, there is no guarantee that development at this location would be consistent with the above-mentioned Comprehensive Plan guidelines. Likewise, sand extraction in the area is under conditional use permits, and the underlying zoning has remained RR. All conditional uses for sand extraction require a long-term site plan; most long-term site plans indicate residential development around the water body created by sand extraction, to include the property immediately north of this site. Therefore, sand extraction in this area is not a permanent, long-term industry. Staff notes that existing LC zoning southeast of the application area has remained vacant for some time, demonstrating that the market is not demanding convenience retail services in this area.
5. **RECOMMENDATION:**
Staff notes that this modified request would have fewer negative effects than the original LI zoning request. However, as a speculative request, staff continues to note that the request is not consistent with the Comprehensive Plan, and therefore continues to recommend that the application be denied. Staff continues to recognize that non-residential development at this site could be consistent with the Comprehensive Plan. When the market produces a non-residential need for this site, which meets the Comprehensive Plan guidelines, a protective overlay can be tailored to the site, ensuring that development is compatible with the immediate area and consistent with established planning for the area.

JESS MCNEELY, Planning Staff presented the case. The original request on this zoning item was from "RR" Rural Residential to "LI" Limited Industrial. You heard that on May 5th, and you asked staff and the applicant to meet and discuss the case. The applicant has since changed the request from "RR" Rural Residential to "LC" Limited Commercial and "OW" Office Warehouse. Because of the change in request, we sent this request back to Maize Planning Commission to reconsider the revised request on June 2nd. They recommended approval by a vote of 3-2.

MITCHELL How will that be served for water and sewer?

MCNEELY It will have to be served with on-site water and sewer.

BISHOP The City of Maize Planning Commission reconsidered the revised request on June 2nd, what was their recommendation?

MCNEELY They denied the original request. They did approve the revised request on by a vote of 3-2.

TAPE CHANGE TAPE 1 SIDE B

TERRY SMYTHE, BAUGHMAN COMPANY, 315 ELLIS, WICHITA KS There is a fast pace of growth that is running up Ridge Road. People are buying land quickly to get up there. The Maize Planning Commission on June 2nd, the vote was 3-2, and there was still some discussion about the idea of speculative zoning, but you don't grant zoning for a specific use, you grant zoning for a number of uses that are compatible within a certain district. We have indicated that the west end, and that is where we are asking for the Office Warehouse district, that be reserved for those types of uses that occur about a mile down the road.

The reason that this zone change case started in the first place is that this owner had been contacted by a couple of people asking for the same kind of uses. I guess the west half is not necessarily speculative but I don't have anybody lined up that can tell you that he is going to build tomorrow. But the applicant has been contacted with interest for that kind of facility on the west half of the property. When we were here a month ago, we were told to discuss with staff to see if we could come to an agreement, and we have reduced our requested from "LI" Limited Industrial to "OW" Office Warehouse and "LC" Limited Commercial; with the "LC" Limited Commercial on the traditional corner.

Commissioner Mitchell, you asked about the wells. I have spoken with Tim Waggoner, and he says that everybody up there is on well water, and some are on septic, and there are a few and it may be the bus barn to the west is on the alternative sewer system. When the City gets up there we will hook up to all municipal water. I think we are within a very short distance of municipal water and sewer. Whether it comes from Maize or the City of Wichita, it will be there very shortly, a matter of years. This is a County case, and it is still in the County, and we filed this as a County case. We know that there are approved water systems and approved sanitary sewer systems that have traditionally been used forever and work. The new alternative sewer system is a step up in terms of that, and that is another option we have before us in this particular area.

The letters in your packet were responses from some of the homeowners in the area from last month when we were asking for the "LI" Limited Industrial. I am not aware of any opposition since we reduced our request; whether they have the same opinion or not. Traffic has increased on this road immensely since the bridge was reconstructed.

We think it is time to start looking at this in the future if the 2030 growth plan isn't out there today. I think the MAPC should look at this area, and recognize that this is not rural as close as it is to Maize, and as close as it is to the northern limits of Wichita. This is not a rural area, and it won't be 2030 before development gets out there. If the Comprehensive Plan says that today then I think it is up to us to look at that plan and revise.

MITCHELL Jess, this is really speculative, but lets say the area, both sides of Ridge Road, and both sides of 53rd Street develops in the next 5-10 years, can you give me some idea of what you think the intersection will look like as far as zoning of parcels at the four sides of that intersection?

MCNEELY I think we all know that traditionally the arterial street intersections have "LC" Limited Commercial at those intersections. So if 53rd Street and Ridge Road do develop, we would anticipate that the arterial intersection would have "LC" Limited Commercial type development at it.

MITCHELL Then why is this parcel so far ahead of current development, is that your reasoning for recommendation to deny?

MCNEELY Yes, it is not within the 2030 growth area. For us to stay consistent with the Comprehensive Plan we would have to recommend denial of this case at this point and time.

MITCHELL When you say that it is rural, almost all of it is a large lot residential or sand or gravel operation or some agricultural.

MCNEELY Yes.

MITCHELL Then it is your opinion that the request isn't so much not compatible with the site as it is ahead of its time?

MCNEELY That could be accurate.

BARFIELD Mr. Smythe, does you client own this property at this time?

SMYTHE Yes, it is in the family.

MILLER In trying to figure out what was going on out here, what we discovered was that one of those tracts to the west that has the more intense zoning on it, it was an illegal non-conforming use back when, and so in an attempt to try and fix a problem, they granted that higher intensity zoning to get them legal, which then lead to all of these other requests.

MITCHELL This is an odd shape piece of land, somewhat by accident because of the way the land was sold off for the sand and gravel operation, and then it is penned in on the west side by that non-conforming use. So we have a narrow strip of land on a frontage of an arterial that even if you developed the rest of it residential it can't be used for that now. There is no way to get street

access to this except off of 53rd. I think there needs to be something approved other than to call it rural residential for the next period of time.

ALDRICH Looking at the proposed water and sewer, there isn't any out there, with the exception of being self-contained, and how does that fit into the growth plan in the future? Can it be forced at that time when it does get out there to hook up?

MCNEELY Water and sewer exist down at 37th Street right now, and it is planned to go up to K-96 on Ridge Road. I don't know of any policy that would force this site to go on to municipal water and sewer if they initially develop with on-site systems. The agent of course says that they would like to attach to municipal water and sewer when it is available but being that this is outside of the 2030 growth area, there is no water sewer planned for this site from now to 2030.

DUNLAP Jess, right now it is a County case, and right now they can drill a well and have an outside sewer system and be fully in compliance?

MCNEELY Yes, to be in compliance with County Code. I have just pointed out the Comprehensive Plan policy that states that industrial and commercial development should go on trunk lines, specifically for industrial development utilities.

MITCHELL John, would it be possible to require connection to City sanitary sewer and water at the time that it is available?

SCHLEGEL There is nothing in the Subdivision Regulations that would require that, and that was not included in the Urban Fringe Development standards because this is outside of the growth boundaries so it would have to be a voluntarily petition by the applicant at platting to have the hook up when the sewer and water mains got out there.

BISHOP Is that the Big Arkansas River that comes through there?

MCNEELY Yes.

BISHOP Approximately how far away is that?

MCNEELY It is almost two miles to the 53rd Street Bridge.

ALDRICH Would that be in the floodplain?

MCNEELY The application is not in a floodplain.

BISHOP My concern is that this is the type of leapfrog development from an industrial point of view, that I think threatens the Equus Beds. Especially since we have the capacity to do the alternative sewer system which then recharges in the area, which is not that far from the river.

MOTION: To approve the revised zoning request and suggest to the applicant that at platting he consider offering connection to municipal sewer and water at the time it is available.

MITCHELL moved, **DUNLAP** seconded.

SUBSTITUTE MOTION: To Deny the request.

BARFIELD moved, **BISHOP** seconded.

JOHNSON I do know of some other property just west of there that was rezoned, this reminds be a little bit out at K-96 and Greenwich and Webb Road, what we looked at kind of a long-term plan and then when K-96 went through there all of the sudden that was redone, does staff see that this will be different now that K-96 comes through versus the way it used to go through there?

SCHLEGEL What you are seeing up there is from the newly adopted Comprehensive Plan, and we worked very closely with the Wichita Sewer and Water Department in figuring out where they were planning to extend their services out the next 25-30 years. Even with K-96 there and all of the development that is occurring along Ridge Road, what we came up with was that line that is drawn along 45th Street is that during that time frame that was where we could expect future urban density growth to occur, and they felt that would be the extent to which they would need to provide those services. You can't conclude that growth may accelerate along Ridge Road, and if that happens then naturally you will have to change the plan.

BISHOP I think it is inevitable that growth is going to occur especially along the fringes of the city. I believe there is such a thing as rural land in Sedgwick County, and I would like to see that the growth be more efficient rather than going out in a leap frog fashion creating a problem to the Equus Beds, and then infrastructure has to hurry up and get out there and cope with that problem, and that will cost us more in the long run.

ALDRICH Based on staff recommendations as far as whether or not this is currently in compliance with the Comprehensive Plan, I would again lean towards voting for denial.

DUNLAP I cannot support the recommendation for denial because I use that intersection quite a lot and it is busy now, and the traffic is growing rapidly, and I agree with the comment that maybe our urban growth area line needs to change. I don't see any threat at all to the Equus Beds at this point for that area, for this particular piece of property. I also think we will absolutely have development there, and we already have commercial on the southeast corner zoned that way.

This is probably the busiest intersection that I travel through that is not yet developed, and I believe it will be developed rapidly. I am opposed to telling somebody that they can't sell their property, and if we leave it alone as it is as rural residential that is essentially what we have told them, and I guarantee there will be nobody going to build houses on that corner on that piece of property. So the

question for me is the water and sewer that important, and we have a County regulation that says that it is not that important. We have places inside the City of Wichita that don't have water and sewer and they get along fine. I do want to ask the applicant though if you think they would agree to the future commitment for hook up.

SMYTHE I do believe that they will agree to the hook up. I think they are already looking at this piece of property like it is already developed urban style today. The map I am referring to in the map room in here is called the Future Land Use Guide 2030, and it shows a variety of cross-hatches which you look at a variety of uses up to the south side of 53rd Street, nice clean east/west line. We are the little bump and if you develop that 2030 Future Land Use Guide up one side of the street, the other side has got to follow in right away because you have all the utilities on one side of the street.

BARFIELD If we deny this application I do not think we are sending a message to the parcel owner that they cannot sell the property. What we are talking about here is that there is no specific proposal for this piece of property, and I think if there was a specific use I think we would take a look at it differently. Staff admits that this property could be used for non-residential use. So what I think we are denying today is that there is not a specific use associated with it.

DUNLAP If somebody says to me I am looking for property, and how is that zoned, and I tell them rural residential they go on to the next parcel. If I tell them that this is zoned "LC" Limited Commercial, or "LI" Limited Industrial, or "OW" Office Warehouse then we have something to talk about.

ALDRICH If the applicant agreed to hook up to the sewer and water in the future, would that change staff recommendation?

MCNEELY No, it would not change our current recommendation. Obviously we would be supportive to future hook up to municipal utilities. I don't know at this point in time if that can be guaranteed.

HILLMAN What is the timetable on putting sewer into this area? I understand this is a family owned property, so maybe it can be put on the market a year from now when we have got sewer in the area.

MCNEELY As I stated earlier, sewer currently exist all the way down at 37th Street, and it is planned to go up to the K-96 intersection on Ridge, and then you see the 2030 Urban Growth Boundary is up to 45th Street. In speaking to sewer and water department they do not have a horizon in which they would see sewer going all the way to 53rd Street on Ridge Road.

HILLMAN Since we are not determining the particular use of this area, would the owner foot the bill for the sewer line?

MCNEELY Extending sewer all the way along Ridge Road, all the way to 53rd Street, is a large task and that would require utility easements to get it all the way up there, and I seriously doubt that this property owner would be willing to pay at this point in time to extend water and sewer a full mile and a half.

HILLMAN Then we need to look at limiting the type and kinds of things that are down on the property.

BISHOP I would like to point out that the damage to the Equus Beds from one property of course is not that threatening but what happens is the different uses in rural areas over the Equus Beds.

SUBSTITUTE MOTION TO DENY FAILS 5-5.
(MITCHELL, JOHNSON, DUNLAP, WARNER, DOWNING, opposed).

MOTION TO APPROVE FAILS 5-5.
(SHERMAN, BISHOP, BARFIELD, ALDRICH, HILLMAN, opposed).

DUNLAP So that means the application is denied.

6. **Case No.: ZON2005-24** – W.G. Enterprise, LLC Request Zone change from "TF-3" Two-family Residential and "SF-5" Single-family Residential to "LC" Limited Commercial on property described as;

The east 18.75 feet of Lots 1, 3, 5, 7, 9 and 11, and the east 18.75 feet of the north 20 feet of Lot 13, on Dellrose Avenue; AND Lots 2, 4, 6, 8, 10, 12, 14, 16, 18 and 20, on Oliver Avenue, all in East Lawn Second Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located at the southwest corner of Central and Oliver.

MAPC deferred June 9, 2005

BACKGROUND: The applicant requests "LC" Limited Commercial zoning on Lots 12, 14 & 16, the eastern 18.75-feet of Lot 11 and the eastern 18.75-feet of the northern 20-feet of Lot 13, all in the East Lawn Second Addition. The application area is part of a site currently developed as a freestanding commercial building (built 1965) and its parking lot. With the requested "LC" zoning, the applicant proposes to bring the existing noncompliant portions of the freestanding commercial building and parking lot into compliance.

With the exception of the application area, all of the site's free standing commercial building and a portion of its parking/circulation are zoned "LC". The remaining portion of the site's parking/circulation is zoned "GO" General Office.

Northeast and northwest of the application area's site, across Central Avenue, there is an office building, a Quick Trip convenience store, a liquor store and a bingo parlor, all zoned "LC". East of the application area, across Oliver Street, there is a Dillon's grocery store, zoned "LC". South of the application area there are single-family residences zoned "TF-3". Abutting the west side of the application area, there is a medical-dentist office with an attached residence facing the application area's parking lot zoned, north to

south, "LC", "TF-3" and "SF-5", with CU-635 over it, and south of that a single-family residence zoned "TF-3". Touching the application area's northwest corner is a pool supply business, zoned "LC".

CASE HISTORY: The application area is all in the East Lawn Second Addition, which was recorded with the Register of deeds January 12, 1927.

ADJACENT ZONING AND LAND USE:

NORTH: "LC" Limited Commercial	Retail, office
SOUTH: "GO" General Office	Parking lot, single-family residences
"TF-3" Two-family Residential	
EAST: "LC" Limited Commercial	Grocery store
WEST: "LC" Limited Commercial	Medical-Dental Office
"TF-3" Duplex Residential	Single-family residences
"SF-5" Single-family Residential	

PUBLIC SERVICES: Current traffic counts on this segment of Central Avenue are between 20,326 and 23,398 vehicles per day. Projected traffic along this section of Central Avenue will be 24,000 vehicles per day. Current traffic counts on this segment of Oliver Street are between 13,729 and 14,083 vehicles per day. Projected traffic along this section of Central Avenue will be 16,000 vehicles per day. Central Avenue is a five-lane, arterial street at this location with 40-feet of half street right-of-way (ROW), which does not meet the Access Management Policy ROW requirement of 60-feet. Oliver Street is a four-lane, arterial street at this location with 30-feet of half street ROW, which does not meet the Access Management Policy ROW requirement of 60-feet. Public Works has a proposed 2008 Capital Improvement Project for this intersection, which would include putting a left hand turn lane in this section of Oliver Street.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide, as amended "05/26" of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the application area as appropriate for "local commercial", which reflects the application area's site's development.

The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites be located adjacent to arterials and should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The Unified Zoning Code (UZO) requires compliance with compatibility setbacks between non-residential and residential zoning, lighting, screening, and landscaping.

RECOMMENDATION: The application area appears to have been used for freestanding retail and parking since the mid-1960s, the application will bring the area, within the larger use site, into long over due compliance. The proposed zone change is in conformance with the recommended Commercial Locational guidelines of the Plan.

Based on these factors, plus the information available prior to the public hearing, staff recommends the request for "LC" zoning on Lots 12, 14 & 16, the eastern 18.75-feet of Lot 11 and the eastern 18.75-feet of the northern 20-feet of Lot 13, all in the East Lawn Second Addition be APPROVED, with the contingent dedication of 20-foot of ROW along the application area's site where it fronts Central Avenue, the contingent dedication of 30-foot of ROW along the application area's site where it fronts Oliver Street, and compliance with the UZO's compatibility setbacks, screening, lighting, access and landscaping.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: This proposed zoning is not out of character with nearby "LC" zoning and uses at the Central Avenue – Oliver Street intersection. The proposed zoning would bring into compliance a portion of a commercial site that has been in its current use since the mid-1960s. The proposed development would be buffered and screened from the abutting residential properties.
2. The suitability of the subject property for the uses to which it has been restricted: For the site to be used for a duplex the south 25-foot of the freestanding retail building and the existing parking would have to be demolished. The site is best suited for its current use and its current zoning appears to be an oversight.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Rezoning would bring existing codes including compatibility setbacks, landscaping, lighting, access and screening requirements into force and improve an existing use, in regards to its impact on its residential neighbors on its west and south sides.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "Wichita Land Use Guide, as amended "05/26" of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the site as appropriate for "local commercial" development.
5. Impact of the proposed development on community facilities: The proposed zoning would bring a portion of an existing use into compliance with the UZO. The impact on community facilities will remain unchanged.

MOTION: There is a request from the applicant for an indefinite deferral.

DUNLAP moved, **JOHNSON** seconded and it carried (10-0).

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7. **Case No.: ZON2005-25** – Leon Lungwitz (owner/applicant) Request Zone change from "SF-5" Single-family Residential to "LI" Limited Industrial on property described as;

Lot 4, Schmidt Addition. Generally located on the northwest corner of Baehr Street and Merton Circle.

BACKGROUND: The applicant requests a zone change from "SF-5" Single-Family Residential to "LI" Limited Industrial on a 0.43-acre platted tract located north of Merton Circle and on the west side of Baehr Street, the subject property is currently developed with a single-family residence. The applicant proposes to develop the property with storage and printing uses.

The surrounding area is characterized primarily by industrial uses; although, there is an SF-5 zoned single family residence west of the site, and one south of the site, across Melton Circle. Further north on Baehr at the Harry intersection are also two remaining single-family residences zoned SF-5. The property to the north and east are zoned "LI" Limited Industrial and developed with warehousing and printing uses.

Because property to the west is zoned residential, screening will be required along that property line. The compatibility setback standards will require a 25-foot building setback along the north property line unless a Zoning Adjustment is granted by the Planning Director and Zoning Administrator to reduce or waive the compatibility setback. Because the property to the west is zoned residential, a landscape buffer will be required when the site is developed; a landscape plan will require approval by the Planning Department.

CASE HISTORY: The property is platted as Lot 4, Schmidt Addition, recorded in 1951. The majority of the surrounding area has been rezoned to LI over time. The previous zone changes approved along Baehr required dedications to bring the right-of-way (ROW) up the 70-foot width required by the Subdivision Regulations for an industrial street.

ADJACENT ZONING AND LAND USE:

NORTH: "LI"	Warehousing
SOUTH: "SF-5"	Single-family residence
EAST: "LI"	Printing
WEST: "SF-5"	Single-family residence

PUBLIC SERVICES: The subject property has frontage along Baehr, a paved local street with a 65-foot ROW; and frontage along Melton Circle, an unpaved dead end street with a 60-foot ROW. The site currently has one access point from Baehr, and no access points to Melton Circle. Public water and sewer service are currently available to the subject property. The site has a platted 10-foot utility easement, which meets guidelines.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Employment/Industrial" development. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utilities trunk lines, rail spurs, and airports. The 65-foot ROW is five feet less than required by the Subdivision Regulations for an industrial street. The Unified Zoning Code does not permit residential development in the LI district, therefore, should this zone change be approved, the existing single-family residence will become a legal non-conforming use.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the dedication of five feet of right-of-way on Baehr, and dedication of complete access control on Melton Circle.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized primarily by industrial uses. Three properties along this block of Baehr are developed with single-family residential uses, but, this area has been identified as appropriate for industrial uses in City-County land use guides for over 40 years, and the properties along Baehr have slowly converted from residential to industrial use. The proposed "LI" Limited Industrial zoning is compatible with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-5" Single-Family Residential, and is developed with a single-family residence. Given the long-standing guidance provided by land use guides that this area should be developed with industrial uses, further residential development of the subject property would not be suitable and would be contrary to the community's goal of converting the area from residential to industrial use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on remaining residential properties in the area should be minimized by the screening, lighting, and compatibility standards of the Unified Zoning Code and the landscape street yard, parking lot screening, buffer landscaping requirements of the Landscape Ordinance, which should limit noise, lighting, and other activity from adversely impacting the residential properties to the south and west.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Employment/Industrial" development. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utilities trunk lines, rail spurs, and airports. With the recommended dedication of five feet of right-of-way along Baehr, the site will meet the requirements of the Subdivision Regulations for an industrial street.
5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated as long as the recommend dedications of additional right-of-way and access control are required.

MOTION: To approve subject to staff recommendations.

JOHNSON moved, **MITCHELL** seconded, and it carried (10-0).

8. **Case No.: ZON2005-26** –Howard Hancock Request Zone change from “TF-3” Two-family Residential to “LC” Limited Commercial on property described as;

Lots 19, 20 and 21, on Hillside Avenue, Chautauqua Place, an Addition to Sedgwick County, Kansas. Generally located at the southwest corner of Hillside Avenue and 1st Street.

BACKGROUND: The applicant is requesting a zone change from “TF-3” to “LC” on the west 25-feet (x) 150-feet of Lots 19, 20 and 21, Chautauqua Place Addition. The east 105-feet (x) 150-feet of these lots are zoned “LC”. The applicant’s request will give the three lots one zoning, “LC”. The site is located at the southwest corner of Hillside Avenue and 1st Street. The subject site is part of a property developed with a five-bay door garage/office, used for limited car and light truck repair. The applicant (see case history) has proposed to retain the site’s limited vehicle repair shop, which is permitted by right, and sell pre-owned cars and light trucks, per the conditions of CON2005-02.

Development east and southeast of the subject site, across Hillside Avenue and down to Douglas Avenue include: a dentist office, several free standing single-story retail businesses and a small fast food restaurant with a drive through window. All of these developments are zoned “LC”, with the exception of the business furthest southeast of the subject site, along Douglas Avenue, which is zoned “GC” General Commercial. Abutting the south side of the subject site there is a large Ace building supply business and a grocery store zoned “LC” and “GC” along its Douglas Avenue frontage. South of the Ace/grocery store site and along Douglas Avenue is a small, 0.45-acre, car sales lot, zoned “GC”. A car sales lot is permitted by right in the “GC” zoning district. This site used to be a gas station. The gas station’s building has been retained and is used as the car sales lot’s office. Abutting the west side of the subject site are a single-family residence and duplexes, all zoned “TF-3” duplex zoning. Development north and northeast of the site, across 1st Street and Hillside Avenue, are: a vacant lot (owned by the City of Wichita), a neighborhood retail strip (self-service laundry, a liquor store and other retail), both zoned “LC”, single-family residences zoned “TF-3”, multi-story apartments zoned “LC”, offices, medical, dental and veterinary offices and a fire station zoned “LC”, “GO” General Office and “B” Multi-family Residential.

Rezoning of the site will trigger screening requirements. There is a sewer line running parallel to the site’s west property line, but there is no recorded easement over the line. Public Works is requesting dedication of 10-foot of easement by separate instrument to protect the sewer line. Compatibility setbacks will be triggered if there is any expansion of the existing building to the west.

CASE HISTORY: The subject property is platted as Lots 19, 20 and 21, Chautauqua Place Addition, which was recorded with the Register of Deeds April 29, 1911. The City has acquired 20-feet of right-of-way along the site’s Hillside frontage. The applicant was unaware of the two zoning districts on the property at the time he filed a Conditional Use for outdoor vehicle sales request; CON2005-02. The applicant decided to have CON2005-02 considered on the “LC” section of the property at the MAPC’s February 24, 2005 meeting and if it was approved, then file for a zone change to “LC” on the “TF-3” section of the site and amend the Conditional Use to extend it to cover the rezoned western portion of the site. At their February 24, 2005 meeting the MAPC approved, 10-1, CON2005-02. DAB I considered CON2005-02 at their March 7, 2005 meeting and approved it 8-0. The applicant will still have to complete CON2005-02 and then amend it to allow car sales on the west 25-feet of the site.

ADJACENT ZONING AND LAND USE:

NORTH:	“TF-3”	Single-family residences, duplexes
	“LC”	Apartments, vacant freestanding retail, neighborhood retail strip
	“GO”	Offices, medical, dental and veterinary offices
	“B”	Office, fire station
SOUTH:	“LC”	Building supply, free standing retail, fast food with drive through window, grocery store
	“GC”	Car sales lot, building supply, retail
EAST:	“LC”	Vehicle repair limited, retail, dental office
WEST:	“TF-3”	Single-family residence, duplexes

PUBLIC SERVICES: This subject property has access to Hillside Avenue, a 4-lane arterial street and 1st Street, a two-lane, one-way street east. Current traffic volumes at this intersection are approximately 22,280 vehicles per day along Hillside Avenue and 4,808 – 5,184 vehicles per day along 1st Street. The 2030 Transportation Plan estimates that traffic volumes at the intersection will increase to approximately 25,000 vehicles per day along Hillside Avenue and approximately 5,000 – 7,000 vehicles per day along 1st Street. The 2030 Transportation Plan recommends that Hillside Avenue becomes a five-lane arterial street. Improvements along this section of Hillside Avenue are scheduled to begin in 2006. Municipal water and sewer services are currently provided to the subject property. There is no recorded easement protecting the sewer line located along west side of the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for “Local Commercial” development. The Local Commercial Locational Guidelines of the Comprehensive Plan recommend that these sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED, upon competition of an amendment to CON2005-02, which would extend the conditions of that case over this section of the site and the dedication of a 10-foot wide (x) 150-foot long utility easement that would run parallel to the site’s west property line.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is predominately medical services, office, retail and some multi-family residential along the Hillside corridor, anchored by the Wesley Hospital complex on the north end. There is only one vacant lot along the corridor and it is zoned "GO" General Office and "MF-29" Multi-family Residential. Office type development will remain in the area as long as Wesley Hospital remains the economic engine for the area. There are low-density residential uses located behind the Hillside corridor. The south end of the corridor, currently has the area's only operating car sales lot, zoned "GC" General Commercial and permitted by right, a grocery store and a large building supply business.
2. The suitability of the subject property for the uses to which it has been restricted: The site's current 25-foot (x) 150-foot configuration cannot be developed as a duplex, unless the existing business on the larger property that the site is located on would be demolished. Approximately 80% of the property the site is located on is zoned "LC" Limited Commercial. The site is more suited for the commercial use, as the rest of the property is currently developed and as it is proposed to be developed.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site's current "TF-3" zoning acts as a buffer between its eastern "LC" zoned portion and the western abutting "TF-3" zoned residential development. The applicant will be required to amend CON2005-02 (when it is completed) to extend it over the site. The conditions of CON2005-02 should minimize negative impact onto the western abutting "TF-3" single-family and duplex residential development.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The 2030 Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Local Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas.
5. Impact on Community Facilities: All public facilities are available. The dedication of an easement to protect the existing sewer, which was installed in 1911, is a reasonable request. It would provide a public record which could prevent a building(s) from being located too close to the sewer line and thus possibly compromising their structural integrity, as well as relieving the City of liability in just such a case.

BILL LONGNECKER, Planning staff.

MITCHELL At what time would you get that easement?

LONGNECKER We would have to have the signed easement prior to publishing the ordinance.

BISHOP One of the main reasons I asked to hear this case, if I understand the staff report and the recommendation correctly, I think there is a wrong word, I think you mean "completion" rather than "competition" of an amendment to the Conditional Use, which would extend the conditions of that case over this section. So in other words, if we vote in favor of this zone change, we are also voting in favor of the amendment to the Conditional Use?

LONGNECKER No, the Conditional Use at this time has not been completed. I did not get a site plan to review until last week. The Conditional Use has to be completed before the resolution is signed off on, then the applicant has to come back and amend that Conditional Use to include this part of the property, which is not included in the Conditional Use. The amendment will simply extend the Conditional Use over this western 25-foot wide "TF-3" portion of the property.

BISHOP Can you please explain to me what you mean by completed? Is that just paperwork?

LONGNECKER No, an approved site plan is a condition of a Conditional Use. The site plan that shows how the site is going to be developed. The site plan is what I have been waiting for and I received last week still has some more details that need to be shown, including landscaping. So the completion of that Conditional Use at this point is contingent to the site plan being completed and approved.

BARFIELD When was the Conditional Use granted?

LONGNECKER The Conditional Use was considered and approved by the MAPC February 24th of this year.

BARFIELD There is only one residential parcel involved and associated with this application?

LONGNECKER There is "TF-3" zoning over the western 25-foot of these lots, which are currently developed as a car repair business and zoned "LC" over their eastern 105-feet. Some type of car service development has been on these lots since the late 1950's.

HOWARD HANCOCK, 319 N. YALE, WICHITA KS Applicant.

BARFIELD Mr. Hancock, are you in agreement with the Conditions of Approval?

HANCOCK Yes.

MOTION: To approve subject to staff recommendations.

MITCHELL moved, **WARNER** seconded.

BISHOP I am going to reluctantly support the motion for approval, because of the explanation given by staff it appears there is separation between this zone change request and the Conditional Use permit. I was the only Commissioner that voted in opposition of the Conditional Use to start with, and I do not regard a used car lot as neighborhood retail, and it is in opposition to the Comprehensive Plan.

MOTION carries 10-0.

9. **Case No.: CON2005-22** – Don and Donna Williams (owners) Request Sedgwick County Conditional Use for an accessory apartment on property zoned "RR" Rural Residential on property described as;

Block 4 of the Mulberry Hill Addition. Generally located South of 103rd Street South, 1,900 feet East of Webb Road.

BACKGROUND: The applicant is requesting a Conditional Use for an accessory apartment in the County. The application area is a 10-acre platted lot located south of 103rd Street South and west of Webb Road, approximately ¾ of a mile east of the Mulvane City limit. The site is developed with a single-family residence (a manufactured home which meets the county residential design manufactured home standards), a garage, a pond, and several outbuildings. The applicants propose to use the existing residence as an accessory apartment for their son, and build a larger primary structure on the property. Sedgwick County Code Enforcement requires building and sanitary sewage system approval for the proposed use. All surrounding property is zoned RR. Agricultural properties lie to the north; single-family residences on lots ranging from five to ten acres exist to the south, east and west. Active railroad tracks lie approximately 260 feet west of the site.

CASE HISTORY: The property was platted as Block 4 of the Mulberry Hill Addition in 1971.

ADJACENT ZONING AND LAND USE:

NORTH: "RR"	agricultural fields
SOUTH: "RR"	single-family residence
EAST: "RR"	single-family residence
WEST: "RR"	single-family residence

PUBLIC SERVICES: The property is located on 103rd Street South, an unpaved two-lane section line road with a 50-foot half-width right of way. The property utilizes an existing lagoon for sewage.

CONFORMANCE TO PLANS/POLICIES: The "Sedgwick County Development Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as "rural."

The *Wichita-Sedgwick County Unified Zoning Code* Section III-D.6.a states that accessory apartments are required to be under the same ownership as the primary residence, compatible in appearance with the primary residence, and utilize the same water and sewer service as the primary residence.

RECOMMENDATION: Planning staff finds that the application meets the conditions of the Unified Zoning Code. The site is heavily landscaped; existing buildings are not visible from 103rd Street South. Likewise, the size of this lot, and surrounding lots, should minimize any impact on surrounding residential neighbors. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions.

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning.
2. The accessory apartment shall be subject to all requirements of Section III-D.6.a. of the Unified Zoning Code.
3. Development and maintenance of the site shall be in conformance with the approved site plan.
4. If operations have not begun within one year of approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the surrounding area: All property surrounding the application area is zoned RR and used for agricultural purposes or single-family residences. Existing landscaping and the size of lots in this area should ensure that an accessory apartment is not visually out of character with the area.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned RR, which primarily permits agriculture and large lot residential uses. The site could continue to be used without the Conditional Use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Provided that the proposed accessory apartment meets all applicable codes, the proposed accessory use should have no effect on the surrounding properties.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested Conditional Use is in conformance with the *Wichita-Sedgwick County Comprehensive Plan* and the *Wichita-Sedgwick County Unified Zoning Code*.
5. Impact of the proposed development on community facilities: None identified.

MOTION: To approve subject to staff recommendations.

JOHNSON moved, **MITCHELL** seconded, and it carried (10-0).

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10. **Case No.: DR05-17** - Request The City of Valley Center seeks annexation of various tracts of land located adjacent to The City of Valley Center

Background: On May 24, 2005, the City of Valley Center passed Resolution No. 479-05 authorizing a public hearing on August 2, 2005 for the purposes of considering the unilateral annexation of 38 tracts of lands located adjacent to the City of Valley Center.

With the exception of Tracts #18 and #19, the proposed annexation areas fall within the Valley Center 2030 Urban Growth Area as designated within the Wichita-Sedgwick County Comprehensive Plan *Preparing for Change*, adopted and updated by the Metropolitan Area Planning Commission and the Board of County Commission in May 2005. Tracts #18 and #19 fall within the Park City 2030 Urban Growth Area as designated within the Wichita-Sedgwick County Comprehensive Plan *Preparing for Change*, adopted and updated by the Metropolitan Area Planning Commission and the Board of County Commission in May 2005.

With the exception of Tracts #18 and #19, all annexation areas fall with the future growth area as designated in the City of Valley Center's currently adopted Comprehensive Plan. Tracts #18 and #19 are actually designated in Valley Center's Plan as falling within the future growth area of Park City.

Analysis: Kansas statutes require that the planning commission review the proposal and make a finding of compatibility or incompatibility with any adopted land use or comprehensive plans related to the area and the annexing city. After review by staff, it has been concluded that with the exception of Tracts # 18 and #19, the proposed annexation areas adjacent to the Valley Center city limits are compliant with the intent of the Wichita-Sedgwick County Comprehensive Plan.

Recommended Action: That the Metropolitan Area Planning Commission find the unilateral annexation proposed by Resolution No. 479-05 of the City of Valley Center to be consistent with the adopted Wichita-Sedgwick County Comprehensive Plan, excepting for Tracts #18 and #19 that fall within the designated Park City 2030 Urban Growth Area.

Attachments: Attachment No. 1 - Resolution No. 479-05 and map.
Attachment No. 2 - Wichita and Small Cities 2030 Growth Areas Map, May 2005.

PARNACOTT I do not believe that this annexation fully complies with the Comprehensive Plan, as I read the report, it suggested that there were Tracts #18 and #19 that were not in compliance with the Plan. Your function today is to determine whether the proposed annexation complies with the Comprehensive Plan, so your choice is to find that it is consistent or it is not consistent.

DUNLAP The state law requires it to come to us and we have no authority over it. Dave, there are two Tracts that did not comply with the Comprehensive Plan?

DAVID BARBER Yes, Tracts #18, and #19 do not comply with the Comprehensive Plan.

WARNER Why don't they?

BARBER Tracts #18 and #19, all annexation areas fall with the future growth area as designated in the City of Valley Center's currently adopted Comprehensive Plan. Tracts #18 and #19 are actually designated in Valley Center's Plan as falling within the future growth area of Park City.

MITCHELL The map shows #17 and #18.

BARBER The map is incorrect, it is mislabeled.

MITCHELL One other point, State Law does say they have to have a plan for providing services and they did not provide a plan to us and they say that we can go to the City Hall and look at it which I do not plan to do.

ALDRICH Any conflict with Park City as far as their growth?

DUNLAP It is not our discussion here for this purpose.

MOTION: To take the recommendation action.

DUNLAP moved, **BISHOP** seconded, and it carried (8-2).
(**MITCHELL** and **ALDRICH** opposed)

The Metropolitan Area Planning Department informally adjourned at 3:02 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2005.

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)